

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

COLBY GOROG, JOSHUA FLINT,  
LOUIS ROBINSON, and MICHAEL  
LERRO, individually and on behalf of all  
others similarly situated,

Plaintiffs,

v.

ELON MUSK, TESLA, INC., and THE  
DOGECOIN FOUNDATION, INC.,

Defendants.

Civil Action No.: 1:22-cv-05037-AKH

ECF CASE

**NOTICE OF MOTION TO DISMISS PLAINTIFFS' THIRD AMENDED COMPLAINT**

PLEASE TAKE NOTICE that upon the accompanying memorandum of law in support thereof, and all prior pleadings and proceedings herein, Defendants Elon Musk and Tesla Inc., by their undersigned counsel, will move this Court on a date and time to be designated by the Court, before the Honorable Alvin K. Hellerstein, United States District Judge for the Southern District of New York, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, pursuant to Federal Rule of Civil Procedure 12(b)(6), for an Order dismissing the Third Amended Complaint and any other and further relief the Court deems just and proper.

Dated: August 7, 2023  
New York, New York

Respectfully submitted,

/s/ Alex Spiro

Alex Spiro  
Sarah Heaton Concannon  
Brenna Nelinson  
QUINN EMANUEL URQUHART &  
SULLIVAN LLP  
51 Madison Avenue, 22nd Floor  
New York, New York 10038  
Tel: 202-538-8122  
Fax: 202-538-8100  
alexspiro@quinnemanuel.com  
sarahconcannon@quinnemanuel.com  
brennanelinson@quinnemanuel.com

Allison Huebert (*pro hac vice*)  
TESLA, INC.  
1 Tesla Road  
Austin, TX 78725  
Tel: (512) 557-8797  
ahuebert@tesla.com

*Attorneys for Defendants Tesla, Inc. and Elon Musk*